



Education Report: Strengthening the focus on the national curriculum

To:	Hon Erica Stanford, Minister of Education		
Cc:	Hon David Seymour, Associate Minister of Education		
Date:	16 April 2024	Priority:	Medium
Security Level:	In-Confidence	METIS No:	1325679
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Seen by the Communications Team:	No	Round Robin:	No

Purpose of Report

1. This report seeks your direction about how to better align national and local expectations about the national curriculum. You asked for advice at the Curriculum Deep Dive Strategy Session on 6 March 2024 on the term Local Curriculum.

Alignment with Government priorities

2. This paper supports the coalition Government's commitments through Teaching the Basics Brilliantly for minimum requirements for what schools and kura must teach.
3. It includes advice about how to strengthen the focus on the national curriculum, which can contribute to lifting achievement to ensure that we are on track to reach 80% of learners at curriculum at year 8 by 2030.

Summary

4. There are concerns that some schools and kura are seeing local curriculum as different from the national curricula and are not covering the national curricula to the extent needed in their teaching and learning programmes. The national curricula set out what is taught in schools and kura and how it is taught, learnt, and assessed. Based on the national curricula, schools implement teaching and learning programmes for their local context that are meaningful and engaging for students.
5. The national curricula are already being updated to set clearer expectations about what must be taught, when and how. There is an opportunity, as part of this, to provide direction to schools and kura about how they reflect local context in their teaching and learning programme.
6. The overall impact of more specific national curricula will be schools and kura having considerably less flexibility over the design of their teaching and learning programmes leading to reduced curriculum variability locally. This will be reflected in communication, implementation and review activities.

7. We seek your direction about whether you also want to pursue legislative change to remove the term local curriculum. While a legislation change would provide some clarity, we consider that legislative change, by itself, will not resolve the concerns.
8. We do not consider that the legislation change is urgent because the existing provisions allow you to deliver on your priorities for the refreshed curriculum and Teaching the Basics Brilliantly. If you agree to progress a legislative change, we will provide you with more detailed advice about options for this in early May.

Recommended Actions

The Ministry of Education recommends you:

- a. **note** there are concerns that some schools and kura are seeing local curriculum as different from the national curricula and are not covering the national curricula to the extent needed in their teaching and learning programmes
Noted
- b. **note** that schools:
 - i. must develop and implement teaching and learning programmes that give effect to the national curricula (foundation curriculum policy statements and national curriculum statements made under section 90(1) of the Act) given section 164 of the Act
 - ii. are required to give effect to Te Tiriti o Waitangi through their plans, policies, and local curriculum as part of their primary objectives, which are set out in section 127 of the Education and Training Act 2020
Noted
- c. **note** that changes to the national curricula will provide greater specificity on what schools and kura need to include in their teaching and learning programmes and how to contextualise them so that they are exciting and engaging for their students
Noted
- d. **note** that we are focusing curriculum guidance and communications on the national curricula, so that schools understand their curriculum responsibilities
Noted
- e. **note** that officials do not consider that a legislation change is urgent because the existing provisions allow you to deliver on your priorities for the refreshed curriculum and Teaching the Basics Brilliantly
Noted
- f. **agree** to progress work on amending the 'local curriculum' references in the Act to provide greater clarity to schools and kura

Agree / Disagree

- g. **note** that, if you agree to recommendation (e), officials will provide further advice in early May

Noted

Proactive Release:

- h. **agree** that the Ministry of Education withhold this paper until final decisions have been taken by Cabinet.

Agree / Disagree



Clare Old
**Senior Policy Manager
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Te Pou Kaupapahere**

16/04/2024



Hon Erica Stanford
Minister of Education

21 / 04 24

We understand that there are concerns that some schools are focused on local curriculum rather than the national curricula

1. You have asked for advice about how to strengthen the focus on the national curriculum and whether amendments to local curriculum legislative settings are needed. We understand there is concern that some schools and kura are seeing local curriculum as different from the national curricula.
2. You have been clear that schools need to continue to locally contextualise their teaching and learning programmes, so that they are exciting and engaging for their students – this includes consideration of appropriate local, national and international contexts. You are also clear that all schools must design their teaching and learning programmes to deliver the national curriculum, and that there needs to be consistency in the knowledge and skills that all students are taught. Both aspects (responsiveness to students and explicit teaching) are supported by the science of learning.
3. The national curricula are already being updated to set clearer expectations about what must be taught, when, and how. The updated design requirements for the refreshed New Zealand Curriculum (NZC) will create a national curriculum with a greater level of specificity than originally planned for the refresh. We are preparing advice on similar changes to the approach to redesigning Te Marautanga o Aotearoa (TMoA).
4. Schools and kura give effect to the national curricula and can reflect student and community interests in their teaching and learning programmes. As the national curricula are updated to be more specific, there will be more certainty about what students learn and less flexibility about the design of their local curriculum. This shift will be reflected in our communication and implementation activities.

Current state: how the curriculum works

You have powers under the Act to set the direction for national curricula, and in turn how this is implemented locally

5. Under section 90(1) of the Education and Training Act 2020, you can make national curricula using:
 - a. foundation curriculum policy statements, which are directions about how the curriculum will be taught, learnt, and assessed;
 - b. national curriculum statements, which set out what will be learnt (knowledge, skills, and understandings).
6. **Annex 1** sets out your curriculum-making powers.
7. The current national curricula, enabled by the legislation, are the New Zealand Curriculum (NZC) or Te Marautanga o Aotearoa.
8. Within foundation curriculum policy statements, you can give directions about 'locally developed curricula' although the term 'locally developed curricula' is not defined. You could use this power to set out your expectations where locally developed curricula exist (for example, if iwi have developed a curriculum for use by schools and kura in their rohe / area or special character schools that are affiliated with a common organisation having a shared curriculum, for example Kāhui Ako).

Schools need to turn the national curricula into teaching and learning programmes

9. Section 164 of the Act sets out that schools' boards must ensure that the principal and other staff develop and implement teaching and learning programmes that give effect to the national curricula.
10. Both the 2007 NZC and 2008 TMoA (the national curricula) currently provide a high-level framework for teaching and learning – with limited detail about the 'what' and 'how' of teaching. This means, as part of implementation, schools and kura have a lot of flexibility to design a local programme. This locally developed programme can variously be referred to as a local curriculum, a school curriculum, or their teaching and learning programme.
11. In response to the changes being made to the national curricula schools and kura will need to adjust their teaching and learning programmes so that they are giving effect to the new requirements. The overall impact of a more specific national curriculum will be schools and kura having considerably less flexibility over the design of their teaching and learning programmes leading to reduced curriculum variability locally.
12. The Education Review Office (ERO) requires schools and kura to attest that they have given effect to the foundation curriculum policy statements and national curriculum statement in their Board Assurance Statement and Self-Audit Checklist. Once the national curricula are updated, ERO will update their review approach and approach to attestation.

Local curriculum is referred to in the Education and Training Act in relation to Te Tiriti o Waitangi

13. The Act and regulations only directly refer to the school's local curriculum responsibilities in:
 - a. section 127 of the Act: the school board's primary objectives include giving effect to Te Tiriti o Waitangi, including by working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori;
 - b. section 9 of the Act, where s127 is listed as a Te Tiriti o Waitangi-related provision;
 - c. Education (School Planning and Reporting) Regulations 2023, which require a school board's strategic plan to include the board's strategies for giving effect to Te Tiriti o Waitangi, including strategies for working to ensure that its plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori.¹
14. These provisions mean that the national curricula must still enable schools and kura to reflect local tikanga Māori, mātauranga Māori and te ao Māori within their teaching and learning programmes (that is, the national curricula cannot be used to restrict 'local curriculum' provisions in the Act).

¹ See Education (School Planning and Reporting) Regulations 2023, section 7. The school board's first strategic plan will be for two years (from 1 January 2024-31 December 2025) to align the strategic planning cycle with board triennial elections.

15. While there are three references to local curricula in the Act, the term local curriculum is not defined in legislation and can be interpreted in different ways.² Interpretations can be different for schools using the NZC or Te Marautanga o Aotearoa.

In some cases, there are extra provisions for schools to take account of their school community and special character

16. There are instances where the legislation enables schools to take account of their school community or special character:
- a. State-integrated schools are required to use the national curricula, but the general school programme must reflect the special character provided by the State-integrated school, and religious and other examples may be used to reinforce teaching throughout the school day.³
 - b. Designated character schools are required to operate in accordance with their different character, and their students are to receive an education of a kind that differs significantly from the education they would receive at an ordinary State school.⁴
 - c. Kura Kaupapa Māori are required to use te reo Māori as the principal language of instruction at the school and operate in accordance with Te Aho Matua, a statement that sets out an approach to teaching and learning.⁵
 - d. the health curriculum - while schools and kura are required to give effect to the health curriculum, schools and kura are required to adopt a statement about the delivery of the health curriculum after consulting their school or kura community every two years.

Sharpening the focus on the national curricula

You could make changes to the legislation to remove the term 'local curriculum'

17. If you want to remove references to local curriculum, the legislation could be amended to replace the term 'local curriculum'.
18. The amendment could be made in a range of ways, including:
- a. defining local curriculum;
 - b. removing the term 'local' before curriculum;
 - c. replacing the term 'local curriculum' with 'teaching and learning programme' to better link the national curricula issued under section 90(1) of the Act to school teaching and learning programmes as set out in section 164 of the Act;
 - d. removing the obligation altogether (by removing 'local curriculum' and not replacing it) from s127(1)(d)(i) of the Act would be a more substantial change.

² The Act refers to local curriculum in the Minister's powers to develop foundation curriculum policy statements (s90(1) of the Act), school board objectives – linked to school Te Tiriti o Waitangi objectives (s127 of the Act), and the list of Te Tiriti o Waitangi references (in s9 of the Act).

³ See Schedule 6, clause 28 of the Act.

⁴ See section 204 of the Act.

⁵ See section 201 of the Act.

19. Amending the provisions to remove local curriculum may change their meaning:
- If the term, 'local curriculum', is defined or the word 'local' is removed from s127(1)(d)(i) of the Act there would be minimal change to the sections meaning.
 - If the term 'local curriculum' is replaced by 'teaching and learning programmes', this would likely strengthen school responsibilities for considering and giving effect to Te Tiriti o Waitangi. Schools currently need to consider Te Tiriti but they do not have clear legislated responsibilities about how they do this. This change would create a clear link between the Board's objectives and the school's teaching and learning programmes - schools would have less discretion about how and when they give effect to their Te Tiriti o Waitangi-related objectives.
 - If the 'local curriculum' is removed from the provision and not replaced, this could be seen as reducing or providing less clarity about how they give effect to Te Tiriti through teaching and learning.
20. As part of legislative work, you may want to consider whether you want to retain a power to make foundation curriculum policy statements about locally developed curricula.
21. Officials do not consider that a legislation change is urgent because:
- the existing provisions allow you to deliver on your priorities for the refreshed curriculum and Teaching the Basics Brilliantly
 - the detailed national curricula are likely to be more effective at reducing variability in what is taught, learnt, and assessed.
22. We expect some schools and kura will continue to refer to 'local curriculum' and 'marau ā-kura' and may continue to prioritise their local context. Officials do not consider that legislation change about 'local curriculum', by itself, will impact on how schools and kura deliver the national curriculum or what students will learn – this will need to be addressed through communication, implementation and review activities.

Te Tiriti o Waitangi implications

23. Further narrowing of the school objectives is likely to have significant implications for how schools meet their Tiriti responsibilities.
24. The Act contains a number of provisions that reflect the Crown's Te Tiriti obligations in the education system. Section 4(d) records one of the Act's purposes as being 'to establish and regulate an education system that honours Te Tiriti o Waitangi and supports Māori-Crown relationships'. 9(2)(h)
25. We recommend that any changes to the responsibility of schools or the system in honouring Te Tiriti should be considered alongside this Government's work on Te Tiriti provisions more generally. Changes of this nature would require broad public engagement and take longer to develop.

Progressing a legislation change

26. If you want to progress a legislation change to replace the term 'local curriculum' in the shorter-term, we will provide further advice about the scope and timing, alongside advice on other potential changes to section 127. **Annexes 2 and 3** set out indicative timelines for amendment bills, which could be used.
27. Given that the Act provisions about local curriculum are to ensure the school gives effect to Te Tiriti o Waitangi, at a minimum, officials recommend targeted engagement to discuss the proposed changes be undertaken before the Bill is drafted. If the targeted engagement signals that wider consultation is needed, we will provide advice about the approach.
28. Without some engagement, there is a risk that the interests of Māori will not be adequately considered, and we may breach our Te Tiriti obligations around partnership.
29. We note that if you instead wanted more significant changes to the Te Tiriti provisions in section 127, this would have to be progressed in a subsequent Education and Training Amendment Bill (No 3) to allow time for broad public consultation. We can discuss this with you if this is your preferred approach.
30. 9(2)(g)(i)

We are improving how we communicate with schools and kura about their national curricula responsibilities

31. To strengthen the focus on the national curricula, we have stopped referring to 'local curriculum' and 'marau ā-kura'. Guidance will be clear that:
 - a. schools and kura must base their teaching and learning programmes on the national curriculum;
 - b. schools and kura can consider their local context when developing and implementing their teaching and learning programmes that deliver the national curriculum;
 - c. schools should continue to meet their statutory objectives around Te Tiriti as part of their planning.
32. We expect that this can support more consistency and set clearer expectations for schools.
33. As part of developing the new national curricula, you could use the foundation curriculum policy statements to set directions about locally developed curricula. The foundation curriculum policy statement is an easy way to set out your expectations about what is taught and how it is taught, learnt, and assessed. For example, you could signal your expectations about how and when schools and kura can use local decision-making about the curriculum.

Next steps

34. If you agree to a legislation change in the shorter-term, we will provide you with further advice in early May.
35. We are updating curriculum communications and guidance so that there is a stronger focus on the national curricula.
36. As part of the curriculum redesign, we will provide further advice about how the national curricula can be used to guide local decision making on how schools' teaching and learning programmes reflect student and community interests.

Annexes

- Annex 1: Minister's curriculum powers
- Annex 2: Progressing a change through Education and Training Amendment Bill (No 2)
- Annex 3: Progressing a change through Education and Training Amendment Bill (No 3)

Annex 1: Minister's curriculum powers

Section 90(1) of the Education and Training Act 2020 provides for the Minister to make curriculum statements.

The Minister may make the following:

(a) foundation curriculum policy statements, which are statements of policy concerning teaching, learning, and assessment that are made for the purposes of underpinning and giving direction to—

(i) the way in which curriculum and assessment responsibilities are to be managed in schools

(ii) national curriculum statements and locally developed curricula

(b) national curriculum statements, which are statements of—

(i) the areas of knowledge and understanding to be covered by students during the years of schooling; and

(ii) the skills to be developed by students during the years of schooling; and

(iii) desirable levels of knowledge, understanding, and skill to be achieved by students during the years of schooling.

Annex 2: Progressing a change through Education and Training Amendment Bill (No 2)

You may want to address concerns about local curriculum through the Education and Training Amendment Bill (No 2). Here is the proposed process with key dates:

	Process	Date
1.	Further advice to Minister	Early May 2024
2.	Targeted engagement	May-June 2024
3.	Advice to Minister about legislative proposals	July 2024
4.	SOU Cabinet Committee	9(2)(f)(iv)
5.	9(2)(f)(iv)	9(2)(f)(iv)
6.	9(2)(f)(iv)	9(2)(f)(iv)
7.	9(2)(f)(iv)	9(2)(f)(iv)

Annex 3: Progressing a change through Education and Training Amendment Bill (No 3)

You may want to address concerns about local curriculum through the Education and Training Amendment Bill (No 2). Here is the proposed process with key dates:

	Process	Date
1.	Date on which final policy approvals will be, obtained from Cabinet	9(2)(f)(iv)
2.	Dates on which the Bill will be before LEG and Cabinet for approval for introduction	9(2)(f)(iv)
3.	Date requested for introduction of the Bill	9(2)(f)(iv)